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FILED  
2003 AUG -8 PM 3:55  
CLERK  
U.S. BANKRUPTCY COURT  
DISTRICT OF DELAWARE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Chapter 11
	)	
W.R. GRACE & CO., et al	)	Case No. 01-01139 (JKF)
	)	(Jointly Administered)
Debtors.	)	
	)	Claim No. 00004711
	)	
	)	

**RESPONSE TO DEBTORS' SECOND OMNIBUS  
OBJECTION TO CLAIMS (NON-SUBSTANTIVE)**


On behalf of claimant, Eugene Alfred Braley (Claim No. 00004711), his attorney, Tom L. Lewis of Lewis & Slovak, P.C., objects to Debtors' Second Omnibus Objection to Claims (Non-Substantive), dated July 21, 2003, and received August 7, 2003, on the basis of improper notice and further responds as follows:

1. Claimant's claim is with respect to asbestos contamination from a Grace product in or on the property.
2. Claimant's claim is based upon the findings of the U.S. Environmental Protection Agency in its Administrative Record and supplement, test results, and other documentation, as well as information obtained from other sources, including but not limited to local and national news reports, articles and meetings.
3. Claimant consented to the production and release of supporting documentation, in the possession of the U.S. Environmental Protection Agency, to Grace and Grace's representatives at the time of submission of claim in March, 2003.
4. Claimant has attached supporting documentation, which was not available at the time the proof of claim was filed.

**RESPONSE TO DEBTORS' SECOND OMNIBUS  
OBJECTION TO CLAIMS (NON-SUBSTANTIVE) - 1**

Respectfully submitted this 8th day of August, 2003.

Lewis & Slovak, P.C.

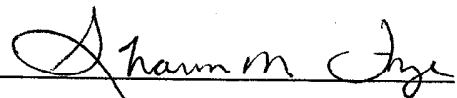
By:   
\_\_\_\_\_  
Tom L. Lewis  
P.O. Box 2325  
Great Falls, MT 59403  
(Attorneys for Claimant)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive) was served on the 8th day of August, 2003, by fax and by first class mail, upon the following:

James W. Kapp III, Janet S. Baer and Christian J. Lane  
Kirkland & Ellis, LLP  
200 East Randolph Drive  
Chicago, IL 60601

Scott E. McFarland  
Pachulski, Stang, Ziehl, Young, Jones & Weintraub, P.C.  
919 North Market Street 16th Floor  
Wilmington, DE 19801

  
\_\_\_\_\_  
Shannon M. Chye

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8  
999 18<sup>TH</sup> STREET, SUITE 300  
DENVER, CO 80202

 **COPY**

CONSENT FOR ENTRY AND ACCESS TO PROPERTY

Name: Gene Braley

Address: 651 Quartz Rd

Libby, MT

Phone: 293-7291

Address of Property for which consent for entry and access is being granted:

Same

Relationship to property: Owner  
(i.e., owner, tenant, etc.)

I, the undersigned, am the owner, their representative, or otherwise control the real property at the location described above. The Environmental Protection Agency (EPA) has requested entry and access to my property pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act as amended (Superfund), 42 U.S.C. 9601 et seq.

I consent to officers, employees, and authorized representatives of the EPA, including their authorized contractors, entering and having continued access to my property for the following purposes:

1. Visually inspecting the property, including the interior and exterior of any home or any other structures on the property;
2. the taking of such soil, bulk, or dust samples as may be determined to be necessary;
3. the taking of actions to mark or temporarily cover exposed vermiculite.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind. I certify that this Consent for Entry and Access is entered into voluntarily and constitutes an unconditional consent and grant of permission for access to the property by officers, employees, and authorized representatives of EPA at reasonable times.

Date

8/26/02

Signature

Gene Braley

651 QUARTZ RD

8-26-02

VOUPE/EPA

GENE BRALEY.

AUTHOR: DANIELLE <sup>BD001832</sup> SAINT LOUIS COM

H37 - ARRIVE ONSITE. TALK WITH GENE & LINDA BRALEY (OWNERS). FILL OUT IFF AND CONSENT FIELD FORM. BD # ASSIGNED. NO ATTIC INSPECTION PERFORMED - ACCESS IS NOT **BD- 001832** SECURE. VERMICULITE OBSERVED IN FLOWER BED ALONG DRIVEWAY. PHOTO (3) TAKEN AND SKETCH DRAWN. 1533 - LEAVE SITE.

*Danielle Saint Louis*  
8/26/02

D.S.  
8/27/02☒ Soil samples collected (Date: 9-7-00 623)

**LIBBY ASBESTOS PROJECT**  
**Contaminant Screening Study**  
**Primary Structure and Property Assessment Information Field Form (IFF)**

Field Logbook No.: 100114 Page No.: 12 Site Visit Date: 8/26/02  
Address: 651 Quince Rd. Structure Description: House  
Occupant: Gene + Linda Brubaker Phone Number: 293-7291  
Owner (if different than occupant): \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Sampling Team: Brian Pyles / Danielle Saint Louis CDM  
Field Form Check Completed by (100% of forms): Danielle Saint Louis CDM  
Screening Field Check Completed by (2% of forms): \_\_\_\_\_

Data Item	Value	Notes
<b>HOUSE ATTRIBUTES</b>		
Property Description	<input checked="" type="radio"/> Residential <input type="radio"/> Industrial <input type="radio"/> Commercial	
Surrounding Land Use	<input checked="" type="radio"/> Residential <input type="radio"/> Industrial <input type="radio"/> Commercial <input type="radio"/> School <input type="radio"/> Mining Other: _____	
Year of Construction	<u>1973</u> <input type="radio"/> Unknown	
Square Footage	<u>1596 sq. ft.</u>	
Construction Material	<input checked="" type="radio"/> Wood frame <input type="radio"/> Masonry/Stone Other: _____	
Number of Floors Above Ground	<input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3 Other: _____	
Number of Rooms Per Floor Above Ground	1: <u>9</u> 2: _____ 3: _____ Other: _____	
Basement	<input checked="" type="radio"/> Yes <input type="radio"/> No	
Heating Source	Wood/Coal <input type="radio"/> Electric <input type="radio"/> Propane/Gas Other: <u>oil Hot Water</u>	
Heat Distribution	Forced air <input checked="" type="radio"/> Radiant Other: _____	

Du  
8/27/02

## CSS INFORMATION FIELD FORM (continued)

Address: 651 Quaker RdBD# 001832

Data Item	Value	Notes
<b>OCCUPANT INFORMATION</b>		
Number of Adults/Employees	0 1 <u>2</u> 3 4 5-15 16-20 21-30 >30	
Number of Children	<u>0</u> 1 2 3 4 Other: _____	
Years at Location	<1 1-5 5-10 10-15 <u>&gt;15</u>	29 yrs
Was the residence/building remodeled?	<u>Yes</u> No If yes, When (years): <2 2-5 <u>&gt;5</u> Where: Attic Living Areas Garage <u>Basement</u> Other: _____	Finished Basement
Has resident/business purchased any Libby vermiculite materials from W.R. Grace in the past?	Yes <u>No</u>	
Has the property at this location been used for a for-profit enterprise of distributing, treating, storing, or disposing of Libby vermiculite?	Yes <u>No</u>	
Are there any known areas of exposed vermiculite?	Yes <u>No</u> If yes, Where: Ceiling Walls Floors Attic Other: _____	

## CSS INFORMATION FIELD FORM (continued)

BD# 00852Address: 651 Quartz Rd.

Data Item	Value	Notes
<b>INDOOR ASSESSMENT</b>		
Vermiculite Insulation Past or Present	Attic: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA <input checked="" type="radio"/> Unknown Walls: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA <input checked="" type="radio"/> Unknown Basement: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA <input checked="" type="radio"/> Unknown Crawl Space: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA <input checked="" type="radio"/> Unknown Other: _____	Visual confirmation of current presence or absence required for attic. No visual inspection in attic. Owner built home and says on B. h. it is fiberglass.
Evidence of Physical Damage?	Yes <input checked="" type="radio"/> No <input checked="" type="radio"/>	
Evidence of Water Damage?	Yes <input checked="" type="radio"/> No <input checked="" type="radio"/>	
<b>OUTDOOR ASSESSMENT</b>		
Libby Amphibole Sources Present	Garden: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA Yard: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA Stockpiles: Yes <input checked="" type="radio"/> No <input checked="" type="radio"/> NA Other: <u>Flower bed</u>	
Proximity to Other Properties with Potential Sources of Libby Amphiboles	Next door Within same block Other: _____ <u>Unknown</u>	

Address: 651 Quarta Rd

BD# 001232

Data Item	Value	Notes
<b>EXPOSURE ASSESSMENT</b>		
Type and Frequency of Activity Near Vermiculite Material - Indoor	Frequency: Once a day Once a week Once a month Once a year <u>Not Applicable</u>	Not Applicable applies when no vermiculite is present on the property.
	Duration of Contact: <1 hour 1-2 hours 2-4 hours >4 hours <u>Not Applicable</u>	
	Extent of Contact: Heavy Moderate Light <u>Not Applicable</u>	
Type and Frequency of Activity Near Vermiculite Material - Outdoor	Frequency: Once a day <u>Once a week</u> Once a month Once a year Not Applicable	Not Applicable applies when no vermiculite is present on the property.
	Duration of Contact: <u>&lt;1 hour</u> 1-2 hours 2-4 hours >4 hours Not Applicable	
	Extent of Contact: Heavy Moderate <u>Light</u> Not Applicable	



## CSS INFORMATION FIELD FORM (continued)

Address: 651 Quince RdBD# 221832

Data Item	Value	Notes
<b>CONTAMINANT SCREENING STUDY ASSESSMENT</b>		
<b>Occupant Information</b>		
Is there any knowledge of former miners, close relative of miners, or any highly exposed persons living or visiting the property?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Is the resident, past or present, diagnosed with an asbestos related disease?	<input checked="" type="radio"/> Yes <input type="radio"/> No Unknown	Both residents have Asbestoses.
<b>Indoor Information</b>		
Does the interior have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
Did the interior ever have Zonolite attic insulation?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown NA	NA applies if attic currently has ZAI.
Are there vermiculite additives in any of the building materials?	Yes <input type="radio"/> No <input checked="" type="radio"/> Unknown	
<b>Outdoor Information</b>		
Is there any evidence of primary source materials at or near the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No Unknown	
Could this have been tracked indoors or otherwise spread outdoors on the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No Unknown	
<b>Overall Assessment</b>		
Are primary source materials present at the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No	
Where are primary source materials located?	Inside <input type="radio"/> Outside <input checked="" type="radio"/> Both NA	
<b>ADDITIONAL INFORMATION</b> <u>No visual inspection, had to crawl into garage attic and about 15 ft over to house attic. Owner built home and said he used fiber-glass.</u>		
<u>Vermiculite found in flower bed in front of house he also driveway</u>		
<u>No Dogs.</u>		

CSS INFORMATION FIELD FORM (continued)

BD- 001832

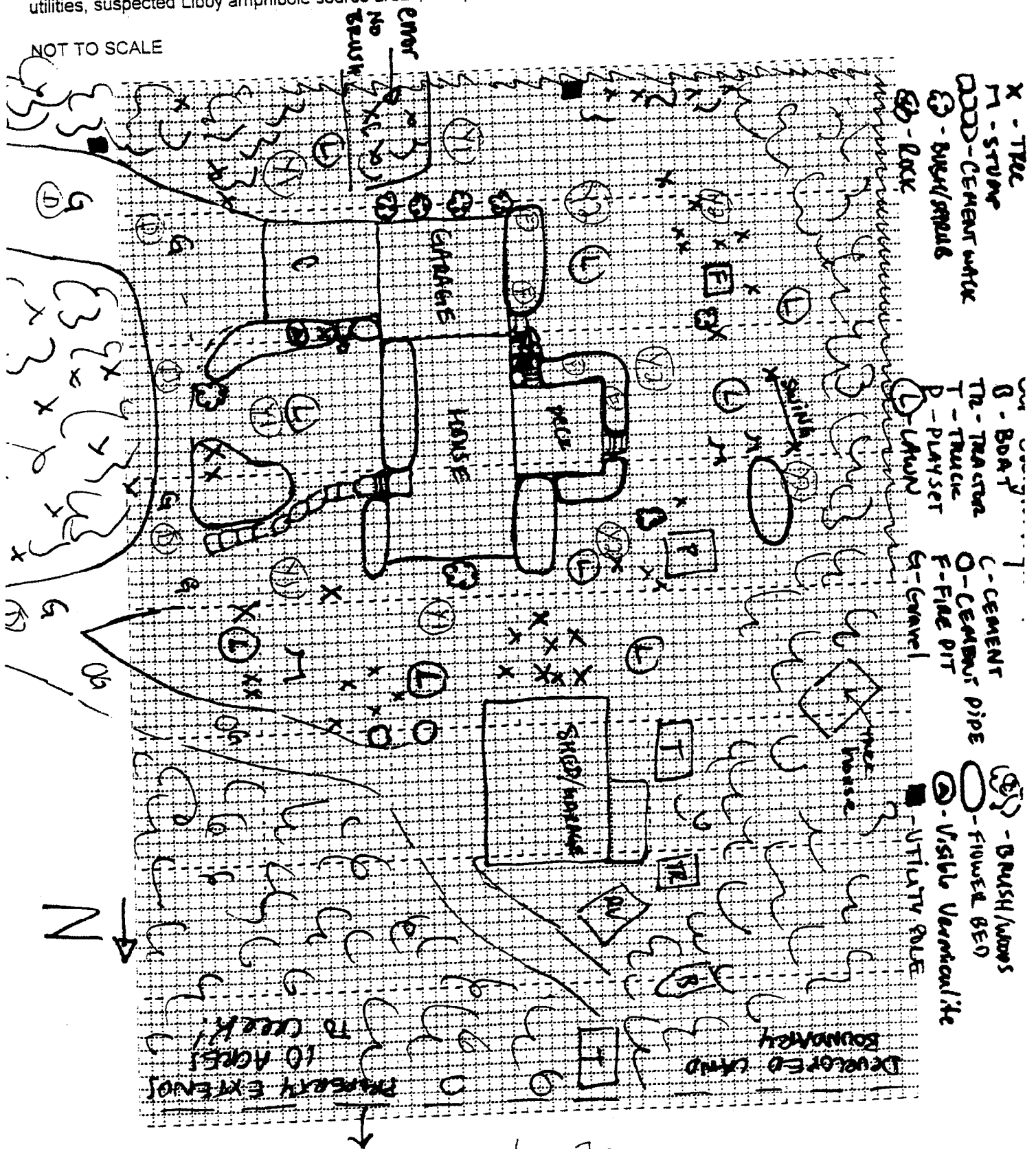
Address: 651 QUARTZ RD

051  
8/26/02

## FIELD DIAGRAM OF PROPERTY

Identify important features (i.e. drainage, trees, gardens, structures, flowerbeds, utility poles, known underground utilities, suspected Libby amphibole source areas, sample locations, etc). Include north arrow.

NOT TO SCALE



Address: 651 Quartz Rd

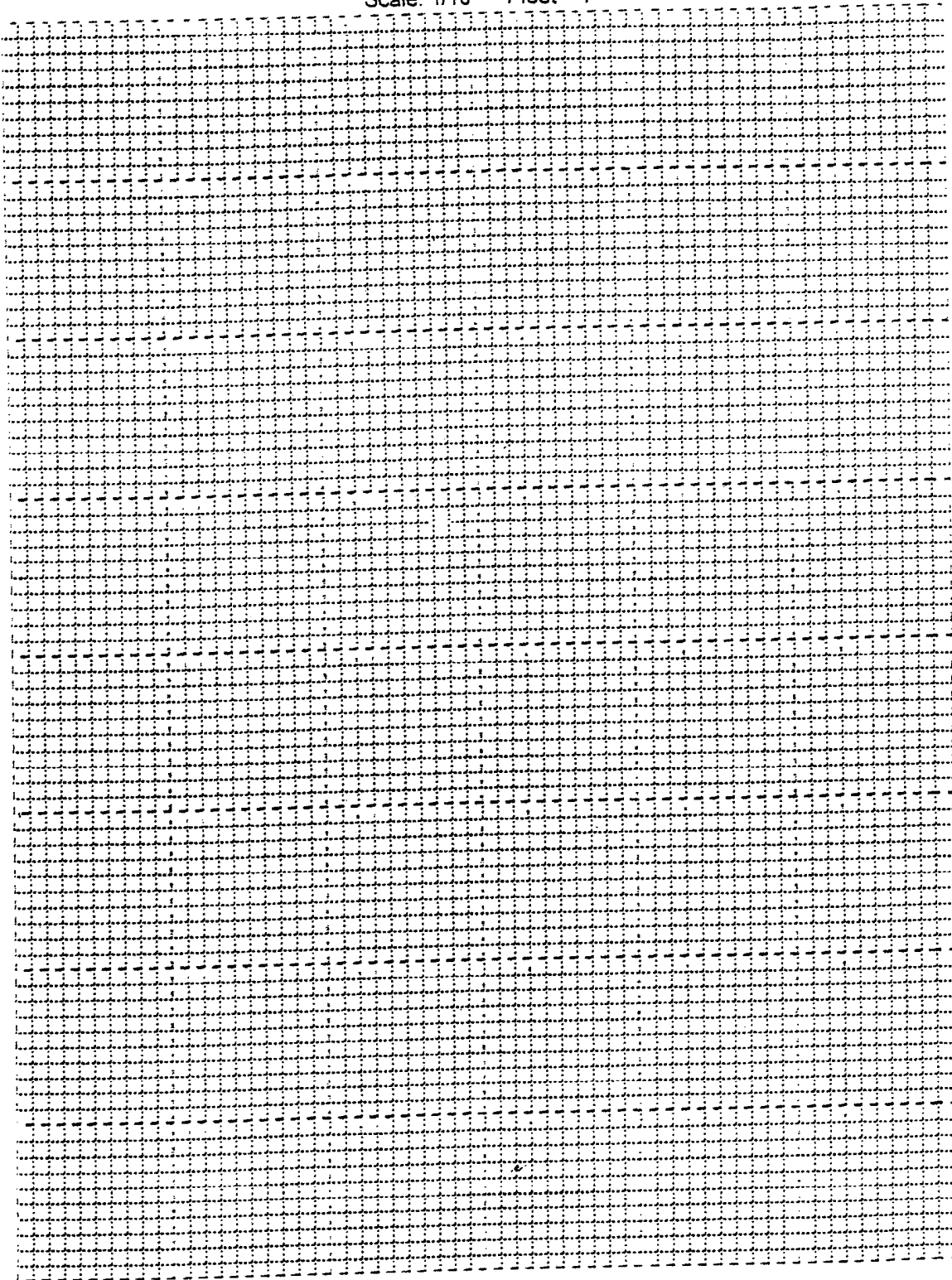
BD# 601832

FIELD DIAGRAM OF PRIMARY STRUCTURE

Include approximate dimensions of attic. Use more than one diagram if needed. Completed only if ZAI is present.

Scale: 1/10" = 1 foot

NO ATIC INSPECTION



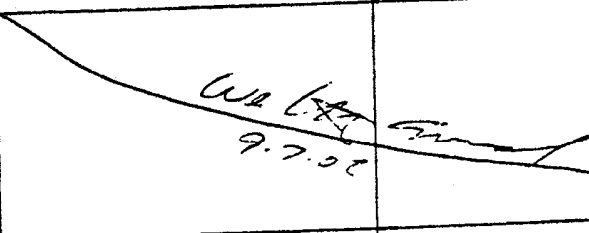
## CONAMINANT SCREENING STUDY

## FIELD SAMPLE DATA SHEET FOR SOIL

Scenario No.: N/A Field Logbook No.: 100120 Page No.: 10 Sampling Date: 9.7.02Address: 651 QUARTZ RD. N Owner: GENE & LINDA BRLEY

Business Name: \_\_\_\_\_

Land Use: (circle) Residential School Commercial Mining Roadway Other ( )Sampling Team: (circle) CDM PES Other \_\_\_\_\_ Names: VICTOR CONTRERAS JR.  
WAIVER STREET

Data Item	Sample 1	Sample 2	Sample 3
Index ID	CS-06221	CS-06223	CS-06224
Location ID	SP- 116352	SP- 116354	SP- 116355
Sample Group	YARD	YARD	FLOWER BEDS
Location Description (circle)	Back yard Front yard Side yard Other _____	Back yard Front yard Side yard Other _____	Back yard Front yard Side yard Other _____
Category (circle)	FS FD of _____ Field Blank (lot or equipment)	FS FD of _____ Field Blank (lot or equipment)	FS FD of _____ Field Blank (lot or equipment)
Matrix Type (Surface soil unless other wise noted)	Surface Soil Other _____	Surface Soil Other _____	Surface Soil Other _____
Type (circle)	Grab Comp. # subsamples <u>5</u>	Grab Comp. # subsamples <u>5</u>	Grab Comp. # subsamples <u>5</u>
Sample Time	1000	1007	1018
Top Depth (in.)	0	0	0
Bottom Depth (in.)	1	1	6
Grid, Quadrant, Section			
Field Comments	BD- <u>001832</u>		
	Entered ____ Validated ____	Entered ____ Validated ____	Entered ____ Validated ____

Field Team	Initial
Completed by	WLS
QC by	V.C.

DWB  
9/9/02

Scenario No.: N/A Field Logbook No: 100120 Page No: 10 Sampling Date: 9-7-02

Business Name: \_\_\_\_\_

Land Use: (circle) Residential  
Sampling Team: (circle) CDM PES Other \_\_\_\_\_ Names: VICTOR CONTRERAS SR.  
WILLIAM SMITH

Field Team	Initial
Completed by	LCJ
QC by	VC

DW  
9/9/02

10

Location 651 QUARTZ RD. Date 9-7-02Project / Client LIBBY ASBESTOS - VOLPE / EPA REGION 8  
GENE & LINDA BRALEY BD-001732

0951 - ARRIVED AT RESIDENCE. WALKED AROUND PROPERTY AND DECIDED TO COLLECT SOIL SAMPLES FROM THE FRONT/SIDE YARD, BACK YARD, FLOWER BEDS, AND ALSO THE DRIVEWAY

YARD SP- 116352  
FRONT/SIDE 5-POINT  
1000 FDS 002540 C0C-003525

YARD SP- 116354  
BACK 5-POINT  
1007 FDS 002540 C0C-003525

FLOWER- SP- 116355  
BEDS CS- 06224 5-POINT  
1018 FDS 002540 C0C-003525

DRIVE- SP- 116356  
WAY CS- 06225 5-POINT  
1027 FDS 002541 C0C-003525

G.P.S. FILE # T5A09072. VERMICULITE WAS OBSERVED IN THE FLOWER BEDS. PHOTO TAKEN. DECONTAMINATED EQUIPMENT AT EACH SOIL SAMPLE. LEFT RESIDENCE AT 1045.

WALTER SMITH  
9-7-02